

## Department of Planning and Budget 2020 Fiscal Impact Statement

**1. Bill Number:** SB641

**House of Origin**     Introduced     Substitute     Engrossed  
**Second House**     In Committee     Substitute     Enrolled

**2. Patron:** Scott A. Surovell

**3. Committee:** Courts of Justice

**4. Title:** Civil action; sale of personal data.

**5. Summary:** Requires a person that disseminates, obtains, maintains, or collects personal data about a consumer for a fee to implement security practices to protect the confidentiality of a consumer's personal data, obtain express consent of a parent of a minor before selling the personal data of such minor, provide access to consumers to their own personal data that is held by the entity, refrain from maintaining or selling data that it knows to be inaccurate, and provide a means by which a consumer can opt out of the sale of his personal data. The bill provides that a violation could result in a civil penalty of up to \$7,500 or damages to be awarded to a consumer. The bill also provides for the award of attorney fees and costs.

**6. Budget Amendment Necessary:** Yes

**7. Fiscal Impact Estimates:**

**7a. Expenditure Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2021	\$396,300	2	General Fund
2022	\$396,300	2	General Fund
2023	\$396,300	2	General Fund
2024	\$396,300	2	General Fund
2025	\$396,300	2	General Fund
2026	\$396,300	2	General Fund

**7b. Revenue Impact:** See Item 8.

**8. Fiscal Implications:** The Attorney General and Department of Law (OAG) indicates this bill will require the addition of up to two attorneys. This estimate includes salary, benefits, and indirect costs associated with these additional positions.

The OAG received 950 database breach notifications last year per Virginia Code Section 18.2-186.6. The OAG is already required to review the notification to consumers of the breach to determine if it is sufficient under the statute. This bill would require the OAG to inquire and assess the security measures of a large portion of the entities involved in the 950 incidents.

The OAG indicates it is unknown how many civil penalties will be assessed under this bill. In the past 10 years, there have been 5-7 judgements for Virginia Code Section 18.2-186.6.

**9. Specific Agency or Political Subdivisions Affected:** Attorney General and Department of Law

**10. Technical Amendment Necessary:** No.

**11. Other Comments:**